



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,504	07/29/2002	Peter Brune	RBL0087	9383

7590

10/30/2003

Baker & Daniels
Suite 800
111 East Waney Street
Fort Wayne, IN 46802

EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089504

Applicant(s)

Bruno

Examiner

Akers, J

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/14/02.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-19 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

Art Unit: 3624

DETAILED ACTION

Response to Request for Continued Examination

1. This action is issued in reply to applicant's Request for Continued Examination(RCE) (Paper #15) and Amendment C(Paper #16) filed 10/14/03.
2. New claim 19 was entered. No claims were amended. No further were deleted.
3. Claims 1-5,7-19 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7-19 are rejected under 103(a) as unpatentable over Lager(US Pat. No:6,636,502) in view of Ronnecke(US Pat. No: 6,515,989) and further in view of Lesley(US Pat. No: 6,188,752).
6. As per claims 1-5, 7-19 Lager teaches a method for using the Internet to make calls (Abstract)(Figs 8-12)(col 7 line 64-col 10 line 21) in a mobile communications system(Fig 8)(col 2 lines 37-44).Lager teaches utilizing a gateway(col 4 lines 7-18) as well as establishing a log-on procedure for authentication(Fig 5)(Fig 6)(col 8 lines 1-30)(col 6 lines 10-20) and limiting sensitive data within the network(Fig 10)(col 15 line 26-col 16 line 62). In addition to that taught

Art Unit: 3624

by Lager, Ronnecke further teaches collecting per packet billing data on a packet data service(Abstract)(Fig 1)(Fig 2) on a mobile link network which may be fixed or mobile(col 2 line 44-col 3 line 27).Finally, in addition to the matter taught by Ronnecke, Lesley also teaches a method for providing paid telecommunications services by maintaining a charged account in a database from which to draw funds for payment of services(Abstract)(col 1 line 11-col 3 line 54)(Figs 1-5).Lesley teaches use of a PIN(Fig 4(a)/85) and utilization of standard dealersoftware(col 4 lines 13-57). Lesley further teaches that a subscriber may add monetary value to his account(col 2 lines 30-32) as well as spending down the funds that are stored(col 2 lines 46-50)(Abstract) and where the amounts may be fixed or variable(col 2 lines 39-40) as well as transmitting the actual charge from the provider to the payment gateway(col 2 lines 13-23) and allocating the actual charge to the reserved amount(col 2 lines 23-24).Lesley also teaches that customer monetary records are held in a database and not a terminal(col 2 lines 13-16). It would have been obvious to one skilled in the art at the time of the invention to combine Lager in view of Ronnecke and further in view of Lesley to teach the invention. The motivation to combine Lager in view of Ronnecke is to teach a mobile data service that is capable of providing billing functions which can be applied to Internet transactions as enunciated by Ronnecke(col 2 lines 10-13).Furthermore, it would also have been obvious to one skilled in the art at the time of the invention to combine Lager in view of Ronnecke and further in view of Lesley to teach the invention. The motivation to combine is to teach a means of providing billing service operations

Art Unit: 3624

applied to network services and which can provide payment in fixed/variable recharging amounts which can be used to pay for services as enunciated by Lesley(col 2 lines 3-5).

Response to Arguments

7. Applicant's arguments with respect to claims 1-5, 7-18 have been considered but are moot in view of the additional(new) necessitated ground(s) of rejection.

Conclusion

8. **THIS ACTION IS MADE NON-FINAL.**

9. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA


October 27, 2003

**DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER**